

2. I have personal knowledge of the facts stated herein based on my work experiences supporting WHBM and my review of documents and records kept by WHBM in the ordinary course of its business.

3. Plaintiff has included certain information in her recent memorandum in support of motion for class certification which WHBM has designated as “Confidential” under the protective order entered in this case. The designated information consists of sensitive business information which concerns essential functions in the operation of WHBM’s business.

4. The specific information includes portions of WHBM’s responses to Plaintiff’s Interrogatory Nos. 3, 4, and 5, as amended, that reveal the name of the computer software and vendor used by WHBM, the estimated number of transactions at issue (including a spreadsheet showing them), hardware systems used by WHBM, breakdowns of types of transactions by WHBM customers, and information about the history of the rollout of the subject point-of-sale system used by WHBM. Excerpts of the subject responses are attached hereto as Exhibit A. WHBM requests that the sections and words that are underlined remain confidential.

5. Such information is not generally made available to persons outside WHBM. This information reflects internal business operations of WHBM and

contains details of the operation of its internal systems essential to the operation of its retail stores – the core of WHBM’s business. All WHBM employees, vendors and other individuals who have knowledge of the information designated confidential in this case are obligated to keep this information confidential.

6. The confidential information, if publicly released, risks causing irreparable significant injury to WHBM and its business interests. The information may be used by WHBM’s competitors and potential future vendors to easily gain a competitive advantage over WHBM. That is, the content of the designated information might be used against WHBM by a competitor or future vendor. The designated information might also needlessly damage relationships between WHBM and its existing vendors, making continued operation of its business extremely difficult. Additionally, given the current era of electronic security sensitivity, this information could be misinterpreted by consumers, thus reducing the number of customers who shop at WHBM stores and consequently causing great harm to WHBM’s business. Accordingly, to prevent significant and irreparable harm to WHBM, WHBM requests that the Court maintain this information under seal.

I have reviewed this Declaration and declare under penalty of perjury that the foregoing statements are true to the best of my knowledge and belief.

Dated this 15th day of May, 2017, at Lee County, Florida.

By: 
Nancy Holland